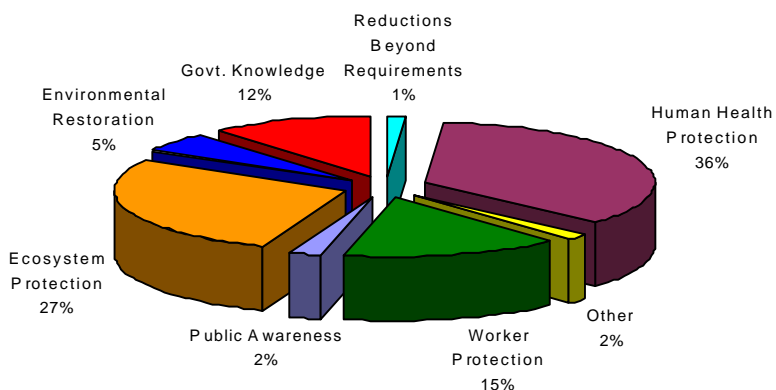


## Goal #9: Credible Deterrent to Pollution and Greater Compliance with the Law (Enforcement)

### Fact Sheet: Supplemental Environmental Projects and Injunctive Relief, FY 1993-1997

*“U.S. EPA Region 5 secured more than \$1.6 billion in protection for human health and the environment through 521 injunctive orders and 241 SEPs.”*

Environmental enforcement has been and continues to be an essential part of Region 5's agenda for protecting human health and the environment. Although the assessment of civil penalties, which establishes a level playing field for regulated entities by eliminating economic advantage gained through noncompliance, is central to Region 5's enforcement program, equally important are two other results of enforcing federal environmental laws: supplemental environmental projects (“SEPs”) and injunctive relief. SEPs and injunctive relief yield tangible benefits for human health and the environment (see Figure 1). Together, SEPs and injunctive relief provide examples of the results and breadth of Region 5's enforcement program, which ranges from traditional command and control to proactive environmental improvement and pollution prevention.

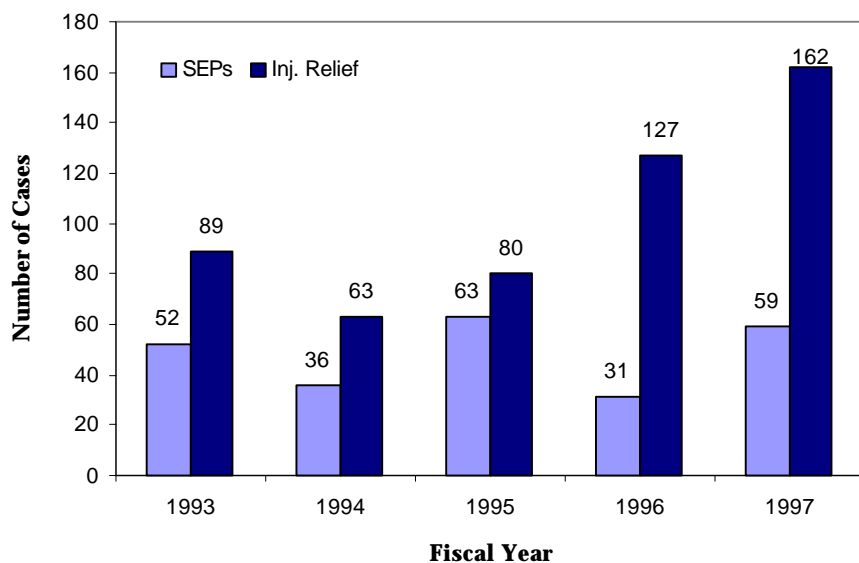


**Figure 1.** Environmental Benefits of SEPs and Injunctive Relief, FY97

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#### What are SEPs and Injunctive Relief?

A supplemental environmental project involves actions an entity agrees to undertake to protect the environment and human health, *beyond* what is required for compliance. For example, a SEP might involve replacing a chemical solvent with a water-based one. Penalties sought by U.S. EPA are usually reduced substantially in SEP cases. Injunctive relief, on the other hand, represents the actions a regulated entity is ordered to undertake to achieve and maintain compliance, such as installing a new pollution control device to reduce air pollution.



**Figure 2.** SEPs and Injunctive Relief, FY93-97

#### General Trends

In fiscal years 1993 through 1997, U.S. EPA Region 5 secured more than \$1.6 billion in protection for human health and the environment through 521 injunctive orders and 241 SEPs.

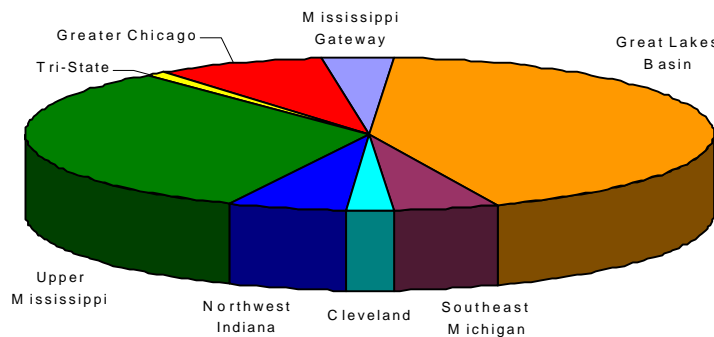
The most substantial increase during this period has been in the number of cases with injunctive relief (see Figure 2). The climb from 89 cases in 1993 to 162 cases in 1997 represents a 182% increase, yielding a total of 521 cases with injunctive relief over this five-year period.

Although the total value of injunctive relief in each year did not increase during this period, Region 5 secured over \$1.5 billion in injunctive relief between 1993 and 1997. The average value of injunctive relief secured in each case during this five-year period was nearly \$3 million. (These figures do not account for the \$2.1 billion 1994 Federal Facilities Compliance Agreement with the Department of Energy at its Fernald, Ohio facility).

Trends in supplemental environmental projects have been much more stable. In a given year the number of SEPs negotiated, as required conditions of enforcement settlements, did not fluctuate substantially (although the value of the SEPs did, with no discernable trend), with 241 being negotiated over this five-year period. Of those 241, 48% (115) focused on or included prevention of pollution.

### Geographic Initiatives and SEPs and Injunctive Relief

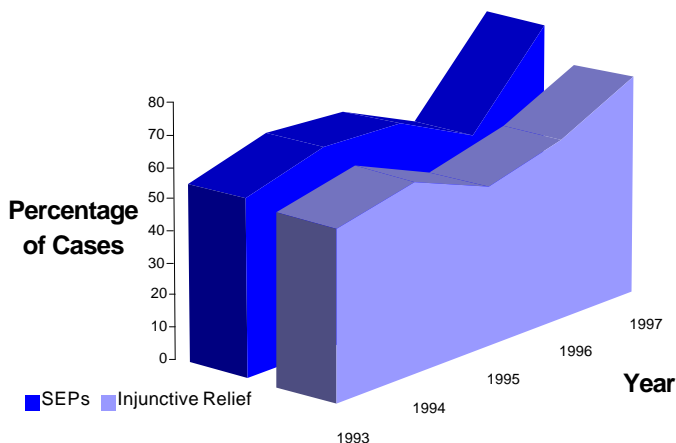
One of the ways in which enforcement activities are directed in Region 5 is by geographic initiatives. These initiatives emphasize those geographic regions where the greatest amount of pollution is being emitted into the environment. The regions range from metropolitan areas (Greater Chicago, Cleveland, Northwest Indiana, and Southeast Michigan Initiatives) to multi-state river systems (such as the Upper Mississippi Initiative). See Figure 4 for a breakdown of 1997's cases.



**Figure 3.** SEP and Injunctive Relief cases by Geographic Initiative, FY97

An increasing number of Region 5's enforcement cases are included in one or more of these initiatives (see Figure 3). In 1997, for example, 47 of 59 SEPs (80%) and 111 of 162 injunctive orders (69%) involved facilities in one or more of these initiatives (see Figure 4 for a breakdown of 1997 cases by initiative).

Most SEPs and injunctive relief occurred in Illinois, Michigan, and Ohio, with Indiana close behind. This is because of the high concentration of industry in these states. The smallest number of SEPs and cases with injunctive relief, though by no means insignificant, involve regulated facilities in Minnesota and Wisconsin.



**Figure 4.** Percentage of cases in one or more Geographic Initiative area, FY93-97

### Future Directions

Region 5 will continue to include and underscore supplemental environmental projects and injunctive relief as part of a comprehensive program of enforcement and compliance assurance. EPA's new SEP policy, issued in May 1998, will also inform Region 5's efforts to include greater input from the regulated community and other interested parties in the SEP process, thereby expanding the SEP program and furthering its goals of cooperative, voluntary compliance in communities. SEPs and injunctive relief will continue to play a large role in the Region's efforts to

deter pollution, promote compliance with federal environmental laws, and produce meaningful and long-lasting protection for human health and the environment. **For more information, visit our Web site at <[www.epa.gov/region5/orc](http://www.epa.gov/region5/orc)> or contact Matthew Sanders at (312) 886-5112 ([sanders.matthew@epa.gov](mailto:sanders.matthew@epa.gov)).**